

# **CONTROL SYSTEMS IN FINANCIAL LAW**

## **RESUME**

JUDr. et Mgr. Lenka Veselá

The proposed thesis deals with control systems, focusing on financial law. The theme of this work was chosen with regard to the current situation in society, taking into account the global economic crisis.

Monitoring is an inseparable part of every well-functioning state therefore it is important to keep eye on this very rigorously and also address a further specifies control. Control is dynamically evolving topic that is still actual and cannot be found any area of human life, where it is not needed. As applied in a wide range of areas for this work was chosen just a part of law closer focusing on the area of financial law.

Financial control, as presented in this work, is a broad definition of procedures for the control authorities in the individual sub-sectors of financial law. It can be defined as financial control in public administration, as well as a tax inspection, customs control, foreign exchange control in management. Financial control is also applied in the field of monetary law, fee law, banking law, etc. We could trace a system of financial control in all the various sub-sectors of the financial law. For this reason was chosen the view of the issue as to the control systems in financial law.

The system is the set of all aspects that enter into the implementation of controls. These are individually linked and together form a whole. The system is formed not only by the controlled entity but of course by the controlling entity as well as for the financial control must be a legal framework within the scope of all these activities will be conducted. The content of this legal framework must also define the object of control for which is

actually such controls may apply. Then must follow the definition of tools that can be used and applied by control entity. An integral element of the definition of financial control is undoubtedly also the rights and obligations of both the controlled entity and controlling entity, to ensure that checks on both sides was lawful, effective, efficient, least burdensome controlled entity, it does not interfere with constitutionally guaranteed rights controlled entity, so controlling entity have to know the extent to which it is approved by a controlled entity require the fulfilment of legal obligations, but all in order to efficiently, quickly and legally defined exact meet the goal of financial control.

The objective of financial control is always to protect the interests of the public and state interests in the areas covered by the provisions of financial law.

The main question of this thesis was whether the individual rights of financial control systems are set in accordance with the needs of society. The main angle of view on this issue was elected an institutional perspective because for the individual check of financial control is important besides the question "how an inspection is made," also "who done it". Perhaps this view is the most important because financial control can be done on excellent manner, but it is found that an unauthorized entity and all its conclusions, in full accordance with the constitutional principles cannot be taken into account. Therefore, the main objective of the present study was to define the institution of financial control in the individual sub-sectors of financial law concerned. When processing of the topic was evident in how this issue is to develop, especially with regard to an European regulation.

When processing the proposed thesis was used the scientific method of deduction, in some parts of the historical method, of course, could not avoid assumptions and description.

The thesis is divided into two major parts. The first part deals with the definition of control in the general context.

Right at the beginning of the study was necessary to define the concept of control itself, because the whole legal system, there are many terms referring to the implementation of that activity. We can thus meet the designation of inspection, supervision, monitoring, auditing, controlling, reviewing, etc. This led to their definition by using of literature, its legal definition in the legislation. The aim of this first chapter was to find out how to use the concepts of content, what their use is legal and not least it was a question whether the legal standards of financial law defined terms are used in accordance with their definition of content is strictly correct or not.

Inclusion of this first part affects the rest of the present study, since their other sides are already encounter financial and legal applications. The second chapter is mainly divided into subsections according to the breakdown of the financial law to the individual sub-sectors. We will meet and therefore the institutional definition of financial control in the budget law, in tax law, in the monetary law, foreign exchange, does not forget the customs duty and even capital markets law. Within each of these subsections can be in selected financial controls to find their detailed specification. They are mostly known in the social control of the subconscious, and it was interesting to introduce them closer. Even there is not left behind an institutional perspective. The present work within this framework gets in wider use and also provides a broad context of the issues presented. At the end of this chapter is assigned an integral part of all controls, including financial control, the general public inspection. Although at first glance may seem to be insignificant, it is important to realize that the financial literacy of the population increases, their interest in social affairs is escalating and it is therefore an essential part of their rights be interested in this question.

In the conclusion was not omitted summary of the topic with the pause on the problems posed by the proposed thesis.

The work was primarily developed using available scientific literature, scientific articles and related legal decisions of the highest judicial instance. Were also used Internet resources.

Work is not intended to present financial systems within the financial law in all its contexts, since it is a very broad material with extensive links to other branches of law.

**Key words:** control systems, control, tax control